

<b>Item No.</b> N/a	<b>Classification:</b> Open	<b>Date:</b> 14 November 2017	<b>Meeting Name:</b> Deputy Leader and Cabinet Member for Housing
<b>Report title:</b>		Ledbury Estate – Tenants Right to Return	
<b>Ward(s) or groups affected:</b>		Livesey Ward	
<b>From:</b>		Strategic Director of Housing and Modernisation	

## RECOMMENDATION

1. That the right to return is offered to tenants who request it as a result of them moving from Bromyard House, Skenfrith House, Peterchurch House or Sarnsfield House on the Ledbury estate.

## BACKGROUND INFORMATION

2. On 30<sup>th</sup> June 2017, gaps and cracks were discovered in the structures at the four towers on the Ledbury Estate which compromised the fire stopping at all four blocks.
3. The council employed fire wardens, one per two floors, to ensure the safety of the residents of the four towers, and have worked to repair the gaps and cracks, which are all now completed with a temporary solution.
4. Although the action taken by Southwark has made the homes safe from the risk of a gas explosion, residents were immediately offered band one status should they wish to move from their home over safety concerns.
5. On 11<sup>th</sup> August, 2017, following advice from our consultants, ARUP, Southern Gas Network turned off the gas to the four towers at the Ledbury Estate.
6. The circumstances on the Ledbury estate are unique and are unprecedented in Southwark; decisions made by the council since 30<sup>th</sup> June have been made based on facts in response to what was needed at the time. Residents have been living in a set of circumstances which have changed rapidly and they have at times been living in an environment of no heating, hot water and in most circumstances, no adequate cooking facilities.
7. Residents have had access to the council officers 24/7 since 30<sup>th</sup> June and a number of resident meetings have taken place where specific requests have been made to the council from residents to help them through what has been a very difficult period. Although a heating, hot water and cooking solution has been found and implemented, the future of the estate remains unclear and uncertain.
8. The council has offered band one status to all tenants who have expressed a desire to move as a result of what has happened, what might happen or that they are worried for their safety. Although temporary repairs have been carried out to secure the towers in the event of a fire, temporary heating and hot water solutions have now been installed, and permanent cooking solutions are in place

for those who want it, some people still are worried about their safety, are anxious about having to live in a property which may require extensive intrusive work or that they may need to move temporarily to allow that work to take place.

## **KEY ISSUES FOR CONSIDERATION**

9. Residents who have moved from the blocks have requested that once the future of the towers is determined and all issues are resolved they would like the right to return. They are requesting this because many of the residents who are currently choosing to move are doing so based on the fact that should the future situation require a move into temporary accommodation they want to be ahead of process and have made choices which suit them today in anticipation of any temporary move in the future.
10. The right to return would be administered by the council in the same way as any other right to return offered on other estates in the borough. It would be administered by residents and the council signing the right to return agreement (appendix 1). Once the future of the estate is determined and all necessary work is carried out to deliver a permanent solution to the current issues, residents will be contacted to determine if they still want to return.
11. If residents decide at that time they do not want to return they will not need to, however, if they do want to exercise their right, the council will contact residents directly to outline processes for them to return to the estate.
12. A key point for consideration is that although the right to return will be offered to residents, what format that will take can only be determined after the decisions are made following the publication of the ARUP report in November 2017.

## **Policy implications**

13. There already council policies which offer residents who move from estates the option to return, for example, Heygate and Aylesbury have residents who have registered their option to return.
14. Although the Ledbury towers are not an activated regeneration site, because of the unique circumstances of the towers, the council is mirroring the offers made to residents who move as part of a regeneration scheme.
15. The offer of the right to return differs from current policy only in that Ledbury is not a current regeneration site.

## **Community impact statement**

16. The council has given due regard to the need to eliminate discrimination, harassment, victimisation or other forms of prohibited conduct; the need to advance equality of opportunity; and foster good relations between persons who share a relevant protected characteristic and those who do not share it.
17. The option to return to the Ledbury towers is offered to every tenanted household in the towers and is not restricted by any criteria other than there was a valid tenancy on 11<sup>th</sup> August 2017.

## **Resource implications**

18. There are no specific resource implications associated with offering residents the right to return. There will be resource implications associated with residents taking up the right and returning, however, as the future of the towers are still to be determined the implications cannot currently be assessed but will be assessed in the future.

## **Consultation**

19. There has been no formal consultation on offering residents of the Ledbury towers the right to return. However the Tenant and Resident Association, the Ledbury Action Group and individual residents have made representation to the council that they want the right to return to be offered to all residents who had a valid tenancy on 11<sup>th</sup> August.

## **Supplementary Advice from Other Officers**

### **Director of Law and Democracy**

20. The report recommends that a 'right of return' be offered to tenants on the Ledbury Estate who request and are provided with permanent rehousing from the estate following the discovery of gaps in the buildings in June 2017. It is proposed that those tenants who request it will be offered the opportunity to return to their original home although the detailed operation of the proposed offer to tenants will depend on the decisions eventually taken on the future of the estate.
21. Generally the council must follow its housing allocation scheme when allocating council housing to a person or nominating a person to be an assured tenant of private registered provider with whom the council has a nomination arrangement. However this requirement does not apply to transfers of existing tenants who fall outside the statutory reasonable preference categories.
22. Under Section 166A(6) of the Housing Act 1996, the council may allocate particular accommodation to people of a particular description provided there is overall compliance with the council's obligation to give reasonable preference to certain specified categories of people under its main allocation scheme.
23. The council may therefore put in place arrangements to facilitate the return of Ledbury tenants who have accepted an offer of council housing elsewhere to the estate provided such arrangements can be justified and do not compromise the council's obligations to persons who must be given reasonable preference for housing under the main allocation scheme. The council will need to have a policy in place to deal with such transfers.
24. The cabinet member, when making a decision on the recommendation in this report is required to have due regard to the public sector equality duty (PSED) in section 149 of the Equality Act 2010. This duty requires the council to consider all individuals when carrying out its functions. Specifically, to have due regard to the need to eliminate discrimination, harassment, victimisation or other prohibited conduct; advance equality of opportunity and foster good relations between people with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment,

pregnancy and maternity, race, religion or belief, sex, sexual orientation. The PSED also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation or other prohibited conduct.

### Procurement and Financial Implications

25. At present there are no procurement or financial implications associated with the right to return, as the future of the Ledbury towers is unknown. There will be procurement implications associated with the option to return once the future of the Ledbury towers is determined.

### BACKGROUND DOCUMENTS

Background papers	Held at	Contact
None		

### APPENDICES

No.	Title
Appendix 1	Right to return to Ledbury Estate

### AUDIT TRAIL

<b>Cabinet Member</b>	Stephanie Cryan, deputy leader and cabinet member for housing.	
<b>Lead Officer</b>	Gerri Scott, Strategic Director of Housing and Modernisation. Mike Tyrrell, Director of Ledbury Estate	
<b>Report Author</b>	Cheryl Russell, Ledbury Area Manager	
<b>Version</b>	Final	
<b>Dated</b>	13 November 2017	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		13 November 2017

## APPENDIX 1

### RIGHT TO RETURN TO LEDBURY ESTATE

**Tenants Name:** \_\_\_\_\_

**Ledbury Address:** \_\_\_\_\_

**New Address:** \_\_\_\_\_

1. The council's commitment shall apply only to Tenants of the London Borough of Southwark resident in properties at Bromyard, Peterchurch, Sarnsfield and Skenfrith on the Ledbury Estate.

2. This commitment is personal to you and shall not be transferred to anyone else. However, in the event of your death this commitment shall transfer automatically to your surviving spouse or partner, (if applicable), provided they are entitled to succeed to your tenancy.

3. The council will give you the Right To Return to your original home.

4. If the council is not able to allocate a property at the time you wish to return, the council will offer a property at the earliest date possible.

5. Your registration is only an expression of interest. All applicants will be contacted in writing, and asked to confirm their wish to remain on the Right To Return list.

6. If the applicant does not respond to reasonable contact from the council regarding staying on the list, they will be removed from the list and this will be confirmed in writing. The applicant will have 30 days to appeal against their removal from the list.

7. The council will treat its commitment to your Right to Return as at an end on the earliest of the following; the point at which a suitable property is offered to you or 7 years from the date of this agreement.

8. The council's commitment shall be limited to one offer per household, however, if you refuse an offer, you shall have the right of appeal within 30 days of the offer.

9. You will lose your Right to Return if you exercise a Right to Buy or Right to Acquire.

10. Tenants on the Right to Return list will be offered the Right to Return in order of the date of termination of their Ledbury tenancy.

Void date : \_\_\_\_\_

**Signed** \_\_\_\_\_  
**Tenant(s)**

**Date** \_\_\_\_\_

**Signed** \_\_\_\_\_ **Officer of the**  
**Council**

**Date** \_\_\_\_\_ **Time** -----